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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,693	08/18/2005	Tatsuhiko Kobayashi	890050.519USPC	6932

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EXAMINER

PHAM, VAN T

ART UNIT

PAPER NUMBER

2656

DATE MAILED: 03/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/519,693	KOBAYASHI ET AL.	
	Examiner	Art Unit	
	VAN T. PHAM	2656	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Drawings

1. The drawings 2-3, 5 and 9 are objected to because the “black boxes” are required to be descriptively labeled. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitation “projecting the laser beam onto a fourth track, a fifth track and a sixth track in this order formed on the data rewritable type optical recording medium to be adjacent with each other, thereby recording a second test signal thereon, reproducing the second test signal recorded on the fifth track, measuring an amplitude A1 and jitter J1 of the thus reproduced signal, reproducing the second test signal recorded on the sixth track, measuring an amplitude A0 of the thus reproduced signal,

calculating, for each of the levels of the recording power of the laser beam, a first parameter as a function of a difference between the amplitude A0 of the reproduced signal obtained from the sixth track and the amplitude A1 of the reproduced signal obtained from the fifth track, directly overwriting the second test signal recorded on the fourth track and the second test signal recorded on the sixth track with the second test signal x times, reproducing the second test signal recorded on the fifth track”;; step of measuring jitter JJ(n+1), must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claims 1-2 are objected to because of the following informalities:

Claim 1, line 66, has phrases "the amplitude AA1 of he reproduced signal" should changed to - - the amplitude AA1 of the reproduced signal--.

Appropriate correction is required.

Abstract

4. The abstract of the disclosure is objected to because it is too long and which cannot be longer than 500 words and it has to be in one paragraph. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1-7 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

There is inadequate disclosure of how to make and use the invention of claims 1-7. The disclosure does not explain how to measure jitter JJ(n+1) or determines the maximum value of nc as the number of times x of the direct overwriting required for saturating an influence of cross erasing of data on the first test signal recorded on the second track by directly overwriting the first test signal recorded on the first track and the first test signal recorded on the third track with the first test signal, or "projecting the laser beam onto a fourth track, a fifth track and a sixth track in this order formed on the data rewritable type optical recording medium to be adjacent

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with each other, thereby recording a second test signal thereon, reproducing the second test signal recorded on the fifth track, measuring an amplitude $A1$ and jitter $J1$ of the thus reproduced signal, reproducing the second test signal recorded on the sixth track, measuring an amplitude $A0$ of the thus reproduced signal, calculating, for each of the levels of the recording power of the laser beam, a first parameter as a function of a difference between the amplitude $A0$ of the reproduced signal obtained from the sixth track and the amplitude $A1$ of the reproduced signal obtained from the fifth track, directly overwriting the second test signal recorded on the fourth track and the second test signal recorded on the sixth track with the second test signal x times, reproducing the second test signal recorded on the fifth track”, or “measuring an amplitude A_s and jitter J_s of the thus reproduced signal, calculating, for each of the levels of the recording power of the laser beam, a second parameter as a function of a difference between the amplitude $A1$ of the reproduced signal and the amplitude A_s of the reproduced signal, calculating a third parameter as a function of a difference between the jitter J_s of the reproduced signal and the jitter $J1$ of the reproduced signal”, or “an amplitude $AA0$ of a reproduced signal obtained by reproducing the third test signal before the third test signal is influenced by cross erasing of data and an amplitude $AA1$ of a reproduced signal obtained by reproducing the third test signal after the third test signal was once influenced by cross erasing of data for each of the levels of the recording power of the laser beam, calculating, based on the amplitude $AA1$ of the reproduced signal and the amplitude $AA0$ of the reproduced signal obtained by reproducing the third test signals, a fourth parameter as a function of a difference between the amplitude $AA0$ of the reproduced signal obtained by reproducing the third test signal before the third test signal is influenced by cross erasing of data and the amplitude $AA1$ of the reproduced signal obtained by

reproducing the third test signal after the third test signal was once influenced by cross erasing of data”.

Hence there would be undue experimentation for one of skill in the art to make and use the invention.

Cited References

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited references relate to:

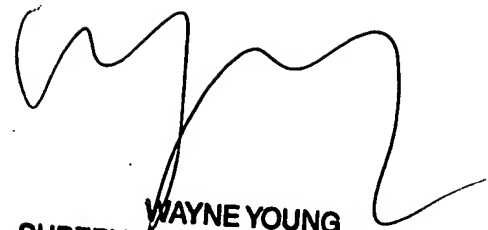
- a. Recording power adjusting method and optical information record apparatus using the same (Okubo et al. US 2003/0147321).
- b. Optical disc apparatus and information recording apparatus using the optical disc apparatus (Shiozawa et al. US 6,765,850).
- c. Optical disk apparatus having optimized focus shift mechanism control (Matsumoto et al. US 5,828,636).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN T. PHAM whose telephone number is 571-272-7590. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VP



WAYNE YOUNG
SUPERVISORY PATENT EXAMINER